



Town of Groton, Connecticut

Meeting Agenda

Town Council

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager (860)441-6630

Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, September 21, 2004

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

II. SALUTE TO THE FLAG

III. RECOGNITION, AWARDS & MEMORIALS

2004-0249 Proclamation Recognizing Citizenship Day

Proclamation - TC

IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

This is the portion of the Council Agenda where the Council welcomes comments from citizens. Each presentation should be limited to ten minutes or less, and citizens should, if possible, submit written comments. Presentations should be related to matters pertinent to Groton. Town Councilors will only ask questions in order to clarify the speaker's presentation and can respond during the Responses to Citizens' Petitions portion of the Town Council meeting. Citizens should make their presentations from the lectern and state their names and addresses for the record.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

VI. CONSENT CALENDAR

All matters listed under Item VI (Consent Calendar) are considered to be routine and will be enacted by one motion. No separate discussion of these items will take place, unless cause is shown prior to the time Council votes on the motion to adopt.

a. Approval of Minutes

2004-0278 Approval of Minutes (Town Council)

Resolution - Consent

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council of September 7, 2004 are hereby accepted and approved.

b. Deletions from the Town Council Referral List

1999-0088	Downtown Revitalization	Referral
1999-0160	Downtown Mystic Streetscape Improvements	Referral
2003-0005	Groton Long Point - Revaluation Study	Referral
2003-0047	Marketing Plan for Attracting New Businesses	Referral
2003-0048	Improving Marketability of Industrially Zoned Lands	Referral
2003-0209	Municipal Industrial Park Proposal	Referral
2003-0306	Ordinance for Adoption of Property Maintenance Code - Fort Hill Homes Area NRZ	Ordinance
2004-0054	Relocation of Eastern Point Students	Referral

2004-0099	Gravel Street Parking	Referral
2004-0120	Aquarion Water Company Rate Increase	Referral
2004-0154	Mystic Market Tripping Hazard	Referral
2004-0262	Bank Depositories for Town Funds	Referral
2004-0049	Benefits of an Economic Development Corporation	Referral
2004-0267	Chelsea Groton Foundation Inc. Grant	Referral
2004-0275	Poll Workers on Two Shifts	Referral
2004-0050	Railroad Crossing Quiet Zone - School Street	Referral
2004-0261	Land/Easement Acquisitions - Pleasant Valley Road South Reconstruction	Referral
2004-0272	Steamboat Wharf Dredging	Referral
2004-0277	Revised Job Description for Assistant Director of Public Works	Resolution
2004-0280	Public Hearing to Consider Alterations to Sandy Hollow Road - Scenic Road	Resolution

c. Special Trust Fund Contributions

2004-0276	Contributions to Special Trust Funds	Resolution - Consent
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RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

Various Donations - \$390.00 - Groton Utilities Energy Assistance Program

J. Donald and Jean Simpson - \$60.00 - Social Services Discretionary

Various Donations - \$507.12 - Groton Utilities Energy Assistance Program

VII. COMMUNICATION REPORTS (Other than Committee Reports)

- a. Town Councilors**
- b. Representative Town Meeting**
- c. Clerk of the Council**
- d. Town Manager**
- e. Town Attorney**

VIII. COMMITTEE REPORTS

- a. Community & Cultural Development - Chairman Billing**
- b. Economic Development - Chairman Bond**
- c. Education/Health & Social Services - Chairman Kolnaski**
- d. Environment & Recreation - Chairman Sheets**
- e. Finance - Chairman Wright**
- f. Personnel/Appointments/Rules - Chairman O'Beirne**
- g. Public Safety - Chairman Skrmetti**

h. Public Works - Chairman Bartinik**i. Committee of the Whole - Mayor Watson****IX. UNFINISHED BUSINESS****X. NEW BUSINESS****2004-0267 Chelsea Groton Foundation Inc. Grant****Referral**

RESOLUTION APPROVING A GRANT APPLICATION TO CHELSEA GROTON FOUNDATION FOR THE GROTON PUBLIC LIBRARY

WHEREAS, the Groton Public Library plans to carry out a project for the digital recording and preservation of photographs and other important documents of Groton's history, and

WHEREAS, several individuals have extensive personal collections which they will allow the Town to digitize and then make available to the public, and

WHEREAS, the coming celebration of the Town of Groton Tercentennial makes it especially timely to undertake this work, and

WHEREAS, the Chelsea Groton Foundation supports charitable, educational and other organizations that provide quality-of-life programs, now therefore be it

RESOLVED, that the Town Manager may apply for a Chelsea Groton Foundation grant of \$5,775.50.

Legislative History

8/23/04	Mayor	Referred	Town Council Finance Commi
9/14/04	Town Council Finance Committee	Recommended for a Resolution	

2004-0275 Poll Workers on Two Shifts**Referral**

RESOLUTION APPROVING EMPLOYMENT OF POLL WORKERS ON TWO SHIFTS

WHEREAS, the Registrars of Voters for the Town of Groton have requested the permission of the Town Council to employ poll workers for shifts of less than the full number of hours of voting, and

WHEREAS, it appears that shifts of fewer hours will enable the registrars to recruit more willing and qualified poll workers, and

WHEREAS, Sections 9-235a and 9-258a of the Connecticut General statutes allow election officials, except for moderators, to be employed on two shifts upon the vote of the Town's legislative body, now therefore be it

RESOLVED, that the Registrars of the Town of Groton, may employ election officials on two shifts, except for moderators.

Legislative History

9/8/04	Mayor	Referred	Town Council Personnel/App
9/14/04	Town Council	Recommended for a	
	Personnel/Appointments/Rules	Resolution	
	/Legislation Committee		

2004-0050 Railroad Crossing Quiet Zone - School Street**Referral**

RESOLUTION AUTHORIZING THE DESIGNATION OF A RAILROAD CROSSING QUIET

ZONE

WHEREAS, the Federal Railway Administration has provided an open period between December, 2003, and December, 2004, in which local public authorities may designate railroad quiet zones where the presence of Supplemental Safety Devices (SSMs) may justify a ban on locomotive whistles, and

WHEREAS, the School Street crossing includes "four-quad gates" which are the most advanced and recommended form of protection for high-speed railroad crossings, and

WHEREAS, residents of Groton in the areas near the School Street grade crossing at the West Mystic Post office have persistently petitioned for a whistle ban, and

WHEREAS, the Town of Groton is a "public authority" within the meaning of US FRA regulations, and

WHEREAS, the Town Council is advised that a Town ordinance is not required either by Federal regulations or by the Town Charter, now therefore be it

RESOLVED, that the Town Manager may take appropriate steps to designate a single crossing quiet zone to apply to trains approaching and passing through the School Street grade crossing (FRA Inventory Number 500-278J).

Legislative History

2/3/04	Mayor	Referred	Town Council Public Safety C
2/24/04	Town Council Public Safety Committee	Not Discussed	
3/9/04	Town Council Public Safety Committee	Not Discussed	
6/15/04	Town Council Public Safety Committee	Recommended for a Resolution	

2003-0306 Ordinance for Adoption of Property Maintenance Code - Fort Hill Homes Area NRZ Ordinance

RESOLUTION APPROVING AN ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2000 FOR THE FORT HILL HOMES NEIGHBORHOOD REVITALIZATION ZONE

WHEREAS, the Town Council Committee of the Whole has extensively considered a request from neighborhood residents for adoption of a specific property maintenance code, including holding a public hearing in December, 2003, and

WHEREAS, the Town Council has received a petition and citizen statements in opposition to the proposed code and has considered those concerns as expressed, and

WHEREAS, the Town Council deems that the adoption of the property maintenance code will benefit the neighborhood by encouraging and assisting in better practices without causing unfair hardships, and

WHEREAS, the Town Council desires that the detailed implementation of the property maintenance code should be monitored closely and that the NRZ Committee should be encouraged to report back periodically as to its views on the operation of the Code, now therefore be it

RESOLVED, that the Town Council approves the Ordinance for Adoption of International Property Maintenance Code 2000 for Fort Hill Homes Area Neighborhood Revitalization Zone, as follows:

ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE
CODE 2000 FOR FORT HILL HOMES AREA NEIGHBORHOOD REVITALIZATION ZONE

Be it ordained by the Town Council of the Town of Groton:

Section 1. Purpose and Title

An ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the boundaries of the Fort Hill Neighborhood Revitalization Zone as described and defined by Groton Ordinance Section 9-217; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; known as the Property Maintenance Code 2000 for the Fort Hill Neighborhood Revitalization Zone.

Section 2. Legislative Findings of Fact

(a) It is hereby found that through the efforts of property owners and residents of the area of the Town of Groton known as the Fort Hill Neighborhood Revitalization Zone and of various Town of Groton officials and agencies, the condition of many of the residential structures and properties within said Neighborhood Revitalization Zone has been markedly improved since the creation of the Neighborhood Revitalization Zone Committee. But it is also hereby found that despite such efforts, the condition of many residential structures and properties within said Neighborhood Revitalization Zone remains substandard and that such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of deterioration within said Neighborhood Revitalization Zone.

(b) It is further hereby found that adequate protection of the public health, safety and welfare of the residents of said Neighborhood Revitalization Zone and of all other residents of the Town of Groton therefore requires the establishment and enforcement of certain minimum property maintenance standards to be applied within said Neighborhood Revitalization Zone.

(c) It is further hereby found that the deteriorated and blighted structures and properties continue to exist within said Neighborhood Revitalization Zone to an extent and a degree not found in other areas of the Town of Groton.

(d) It is thereby further found that the enactment and enforcement of a Property Maintenance Code to be applied only within the boundaries of the Fort Hill Neighborhood Revitalization Zone is essential to the continuation and completion of the rehabilitation and restoration of the structures and properties within the zone and to the continued and increasing well being of its residents.

Section 3. Pursuant to authority granted the Town by the Connecticut General Statutes, including without limitation by Connecticut General Statutes 7-148 (c)(7)(H)(xv), a certain document, copies of which are on file in the office of the Town Clerk of the Town of Groton, being marked and designated as the International Property Maintenance Code 2000 as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Fort Hill Homes Neighborhood Revitalization Zone for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 4 of this ordinance.

Section 4. The following sections are hereby revised:

Section 101.1. Insert: Town of Groton Fort Hill Homes Area - Neighborhood Revitalization Zone (NRZ)

Section 103.0. Insert: Whenever Department of Property Maintenance Inspection is used in the Property Maintenance Code and in the ordinance, the Office of Planning and Development Services, Inspection Services, shall be inserted. All references to Code Official shall also apply to other designated inspectors as shall be necessary for administration of this code, and as authorized by the appointing authority.

Section 103.6. Delete

Section 106.1. Delete existing and change to:

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or

occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

Section 106.3 Delete existing and change to:

In case of any unlawful acts, the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 106.4. The code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

Section 106.4. Delete existing and change to:

Violation of Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and the fine will be up to \$90. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

110.1 Correct spelling: insanitary to unsanitary.

Section 111.2 Change: Minimum of three (3) members to five (5) members.

Section 302.8 Delete: the second sentence in the first (1st) paragraph: "Painting of vehicles is prohibited unless conducted inside an approved spray booth".

Delete: "Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes."

Replace deleted exception with the following:

Exception: A vehicle is permitted to undergo repairs, excluding body work, provided that such work is performed inside a structure approved for such purposes. And provided further that such vehicle is owned by the occupant of the premises. The spray painting of vehicles of any kind is not permitted anywhere on the premises unless approved and licensed by the State of Connecticut for such purposes.

Section 303.5 Add: and skirting, "after all foundation walls".

Section 303.14. Insert: May 1st and October 15th.

Delete a portion of the 1st sentence: "and every swinging door shall have a self-closing device in good working condition".

Section 305.3.1 Add: Except when the dwelling is rented or leased, then the tenant/occupant shall be responsible for the provision of an approved leakproof covered outside garbage container(s).

Section 402.4 New Addition: Lighting. All residential occupancy shall have available lighting at all means of egress, including outside stairways to the dwelling.

Section 602.3. Delete: "during the period from [DATE] to [DATE]".

Section 602.4. Delete: "during the period from [DATE] to [DATE]".

Section 702.2. Add: Change International Fire Code to State of Connecticut Fire Code.

Section 5. That Ordinance Number ____ of the Town of Groton entitled International Property Maintenance Code 2000 for the Fort Hill Homes Neighborhood Revitalization Zone is adopted, and if any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provision shall apply.

Section 6. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. That the Town Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

Refer to RTM.

Legislative History

12/2/03 Town Council Heard at Public Hearing

12/16/03 Town Council Committee of Tabled
the Whole

9/14/04 Town Council Committee of Recommended for a
the Whole Resolution

2004-0261 Land/Easement Acquisitions - Pleasant Valley Road Referral
South Reconstruction

RESOLUTION APPROVING LAND EASEMENT ACQUISITION FOR RECONSTRUCTION OF PLEASANT VALLEY ROAD SOUTH

WHEREAS, the reconstruction of Pleasant Valley Road South was authorized by a bond referendum of \$3,833,986 in November, 2001, and

WHEREAS, the ordinance for this project included funds for the acquisition of necessary property rights for right-of-way and drainage, and

WHEREAS, care was taken in the road's design to minimize impacts to the abutting property owners, and

WHEREAS, the cost of the project is now expected to be substantially lower than the amount that was approved for borrowing, and

WHEREAS, the land needed by the Department of Public Works has been professionally appraised at a total value of about \$44,700, now therefore be it

RESOLVED, that Town staff may negotiate with each property owner, and if the needed land or easements can be purchased for not more than the total appraised value, may enter into legal agreements for such acquisitions, and be it

FURTHER RESOLVED, that the Town Manager may execute all legal and related documents necessary for the effectuation of this Resolution.

Legislative History

8/6/04 Mayor Referred Town Council Committee of tl

9/14/04 Town Council Committee of Recommended for a
the Whole Resolution

2004-0272 Steamboat Wharf Dredging Referral

RESOLUTION MAKING AN APPROPRIATION FROM GENERAL CONTINGENCY FOR DREDGING AT STEAMBOAT WHARF

WHEREAS, silt accumulation has again occurred in a lagoon of the Mystic River adjacent to the property known as Steamboat Wharf, and

WHEREAS, it is understood that the silt at that location results from a combination of runoff from both State and Town of Groton surfaces, and

WHEREAS, the State Department of Transportation has obtained permits for five years of dredging, including permits for the placement of the dredged material, and

WHEREAS, if this dredging is carried out promptly, it can be performed at a reasonable cost by

using Town staff and equipment, now therefore be it

RESOLVED, that the Town Council approves a transfer of \$21,000 from the General Contingency appropriation for FYE 2005 to the Department of Public Works.

Refer to RTM

Legislative History

8/27/04 Mayor Referred Town Council Committee of t

9/14/04 Town Council Committee of the Whole Recommended for a Resolution

2004-0277 Revised Job Description for Assistant Director of Public Works Resolution

RESOLUTION APPROVING A REVISED JOB DESCRIPTION FOR ASSISTANT DIRECTOR OF PUBLIC WORKS

WHEREAS, there has been a vacancy in one of the positions known as Assistant Director of Public Works and

WHEREAS, the Human Resources Division has reviewed the vacant job and deems it more efficient to revise the existing job description into a single document that covers both assistant directors of the Department of Public Works, and

WHEREAS, the revised job description will provide more flexible management opportunities to the department director to effectively manage his large department and widely varied functions, now therefore be it

RESOLVED, that the Town Council approves the August, 2004 update of the position description for Assistant Director of Public Works.

Legislative History

9/14/04 Town Council Recommended for a
Personnel/Appointments/Rules Resolution
/Legislation Committee

2004-0280 Public Hearing to Consider Alterations to Sandy Hollow Road - Scenic Road Resolution

RESOLUTION SETTING PUBLIC HEARING TO CONSIDER ALTERATIONS ON SANDY HOLLOW ROAD, A DESIGNATED SCENIC ROAD.

WHEREAS, on January 19, 1999, by resolution, the Town Council designated Sandy Hollow Road as a Scenic Road according to Town Ordinances, Sec. 13.5-121 to 13.5-124, and

WHEREAS, the Department of Public Works has found that installation of an asphalt curb will control a serious discharge of storm water at the premises of 401 Sandy Hollow Road, now therefore be it

RESOLVED, that the Town Council will hold a public hearing on Tuesday, October 19, 2004, at 7:30 p.m., at Town Hall Annex, Community Room 1.

Legislative History

9/14/04 Town Council Public Works Committee Recommended for a Resolution

XI. OTHER BUSINESS

XII. ADJOURNMENT

